IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 26923 of 2007(E)

PETITIONER:

MUSTHAFA, KOONATHIL HOUSE,
THRIKANAPURAM, KUTTIPURAM,
MALAPPURAM.

BY ADV. SRI.T.V.GEORGE
SMT.LINDA GEORGE

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
MALAPPURAM.

2. THE TAHSILDAR, PONNANI,
MALAPPURAM.

3. THE THAVANNUR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
AYANKALAM, KUTTIPURAM, MALAPPURAM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 26923 OF 2007
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Dated this the 25th day of September, 2007

J U D G M E N T

The challenge in this writ petition is against Ext.P4 order passed by the District Collector as per Rule 27 of the Rules. It is recorded in Ext.P4 that the petitioner had admitted before the authorities at the time of hearing that the transportation of river sand was without any valid pass. Learned counsel for the writ petitioner submits that this is a factually incorrect statement and that before the District Collector, the pass which he had, at the time of transportation, was produced. According to the learned counsel, in view of the availability of the valid pass, he had no occasion to admit the guilt and therefore it is incorrect.

2. Pursuant to the directions of this Court, learned Government Pleader made available the files. From the pass that is available in the file, I notice that the pass was issued on 12/6/07 at 2 P.M specifying 13/6/07 as the date of transportation and the time between 8.45 and 12.00. Therefore, the

transportation could have been only between 8.45 and 12.00 noon. Despite this, the mahazar itself shows that the vehicle was apprehended at 4.00 P.M on 13/6/07. If that be so, the finding of the District Collector that there has been unauthorised transportation of river sand is unassailable.

I see no reason to interfere with Ext.P4. Writ petition fails and is dismissed.

ANTONY DOMINIC, JUDGE.

Rp